

**REMARKS**

Claim 7 is currently being amended to fix an unintentional typographical error relating to formula (I), and the previously recited X<sub>2</sub> substituent. Accordingly, Applicant has amended claim 7 to fix this unintentional error, and to conform the transition metal compound of formula (I) found in claim 7 to that which is recited in currently pending claim 1, and which is referred to in Applicant's specification.

These amendments do not introduce new matter within the meaning of 35 U.S.C. §132. As such, the Examiner is respectfully requested to enter this amendment.

**SUMMARY OF RESTRICTION REQUIREMENT**

Invention Groups. The Examiner has required restriction of claims 1-4, 6-7, and 11-16 to a single invention under 37 C.F.R. 1.499. As the basis for this restriction requirement, the Official Action states the following:

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 6, and 15-16, drawn to a catalyst composition.

Group II, claim(s) 7 and 14, drawn to a transition metal complex.

Group III, claim(s) 11-13, drawn to a ligand compound.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group III and the rest of the groups does not share a common feature since the neutral ligand compound no longer exists in the metal complex; and Group I and II does not share a common feature since the transition metal complex no longer exist in the catalyst composition since the transition metal complex reacted with the cocatalyst in the catalyst composition.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

various metallocene complexes defined by different "Y" bridges and transition metal "M", various ligand compounds defined by different "Y" bridges.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added.

An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Various metal complexes are disclosed in claims 1-4, 6-7, and 14-16; and various ligand compound are disclosed in claims 11-13.

The following claim(s) are generic: None.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

#### **PROVISIONAL ELECTION**

Applicant provisionally elects Group II. Claims 7 and 14 are readable on the elected invention.

Additionally, with respect to the election requirement, Applicant elects N-(2,6-diisopropylphenyl)-N'-[[[(2,6-diisopropylphenyl)imino]benzyl]-phenylamino]benzamidinenickel(II) dibromide, which corresponds to formula (C1) in Applicant's specification.

#### **TRAVERSAL**

Applicants respectfully traverse the Examiner's restriction requirement.

In particular, Applicant traverses the Examiner's contention that pending claims 1-4, 6-7, and 11-16 lack a single inventive

concept under PCT Rule 13.1.

In fact, claims 1-4, 6-7, and 11-16 each comprise the currently claimed novel and inventive ligand system of formula (II), in part or full. Accordingly, Applicant respectfully believes claims 1-4, 6-7, and 11-16 satisfy PCT Rule 13.1 and 13.2.

Additionally, Applicant respectfully traverses the Examiner's contention that,

Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

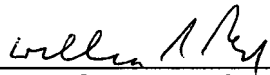
As outlined supra, currently pending claims 1-4, 6-7, and 11-16 all comprise, in part or full, Applicant's currently claimed novel and inventive ligand system. Accordingly, Applicant traverses the Examiner's reliance on PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2) given a common structure is present in claims 1-4, 6-7, and 11-16. See PCT Administrative Instructions, Annex B, Part (f)(i)(B)(1) and (f)(ii).

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, she is welcomed to contact the undersigned practitioner at the below-listed number and address.

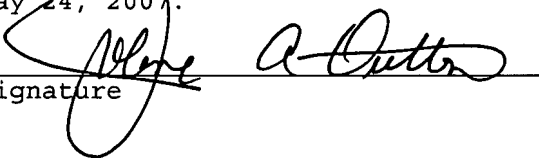
Serial No.: 10/573,228

Respectfully submitted,

By:   
Jarrod N. Raphael  
Registration No. 55,566  
William R. Reid  
Registration No. 47,894  
Customer No. 34872

Date: May 24, 2007  
Basell USA Inc.  
912 Appleton Road  
Elkton, MD 21921  
Telephone No.: 410-996-1750  
Fax No.: 410-996-1560

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2007.

  
Signature

May 24 2007  
Date